

90-869

Supreme Court, U.S.
FILED

DEC 3 1990

JOSEPH F. SPANIOL, JR.
CLERK

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1990

JOSEPH A. MAYERCHECK,
Petitioner,

v.

ELLEN WOODS,
Respondent.

Petition for Writ of Certiorari to the
Supreme Court of Pennsylvania.

PETITION FOR WRIT OF CERTIORARI

Joseph A. Mayercheck, Pro se
208 Spring Run Drive
Monroeville, PA. 15146

(412) 733-5000
(412) 856-6444



QUESTIONS PRESENTED FOR REVIEW

1. Whether denying Petitioner fair and equal application of the Child Support Laws in Pennsylvania violates the Due Process and Equal Protection Clauses of the XIV Amendment?
2. Whether the Pennsylvania Child Support Laws and the Federal Title IV programs are unconstitutional as they deny all children, specifically post-divorce ones, Equal Protection under the Law in violation of the XIV Amendment?
3. Whether the Tax exemption authorized by 26 U.S.C. 152 (e) automatically given to the custodial parent is unconstitutional as it violates the Due Process Clause.

MARCH 2013 COMMERCIAL FOREST

large tree root system and soil moisture
in mind. Another benefit of the reforestation
measures was this relatively slow increase
of the tree diameter and therefore longer time
for the trees to reach their maximum size.

However, despite environmental and social
considerations, there is a lack of interest among
the local and international companies in
investing in reforestation activities.
This may be due to the low economic return
of reforestation projects.

Nevertheless, reforestation activities are
still being pursued by some companies, such as
the company Lelis Group, which has made
a significant effort to implement reforestation
activities across its entire landholdings.

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REPORTS AND OPINIONS BY THE COURTS BELOW

1. Order by the Pennsylvania Supreme Court
denying review of the Child Support Order
Appendix A

2. Opinion by the Pennsylvania Superior
Court affirming the lower court's child
support order. **Appendix B**

LIST OF PARTIES

1. Pennsylvania Supreme Court
2. Ellen Woods

JURISDICTION

The issuance by this Court of a Writ for Certiorari is authorized by 28 U.S.C., #1257 a, (2), (3).

On September 7, 1990, the Pennsylvania Supreme Court denied Petitioner's request to Review the Child Support Order made by the Lower Court on January 10, 1989 and Affirmed by the Pennsylvania Superior Court on January 9, 1990.

CONSTITUTIONAL AND STATUTORY PROVISIONS

INVOLVED

U.S. Constitutional Amendments - Fifth and Fourteenth.

42 U.S.C., #601 thur 667, Title IV AFDC

Pennsylvania Act 81-89, Amending Title 23

Pennsylvania Constitution - Art. I, #26

26 U.S.C., #152 (e)

28 U.S.C., #2403 (a)

28 U.S.C., #2403 (b)

STATEMENT OF THE CASE

This is an appeal of the Order of the Court of Common Pleas of Allegheny County, Pennsylvania, dated January 10, 1989, at No. 0314 October 1980, modifying a child support order. Plaintiff sought a reduction in the amount of child support and Defendant requested an increase.

Dr. Mayercheck is a self employed dentist. Ms. Woods has a Bachelor's degree in Speech Pathology and she remained at home with the child. The previous support order, dated March 10, 1983, ordered him to pay \$340.00 per month. The order was based upon Dr. Mayercheck's net income, after deductions for federal, state and local taxes.

The parties were married in 1978 and separated in 1980. The only child was born in 1979. When the parties separated Dr. Mayercheck was required to pay \$1,350.00 per

1967-077 No. 1967-077

Spotted Towhee (Pipilo maculatus) and the Western Gnatcatcher (Polioptila caerulea) were the most abundant birds. The Spotted Towhee was present in all habitats, with the highest density in the mixed coniferous forest. The Western Gnatcatcher was present in all habitats, with the highest density in the mixed coniferous forest. The Western Gnatcatcher was present in all habitats, with the highest density in the mixed coniferous forest.

The Spotted Towhee was present in all habitats, with the highest density in the mixed coniferous forest. The Western Gnatcatcher was present in all habitats, with the highest density in the mixed coniferous forest. The Western Gnatcatcher was present in all habitats, with the highest density in the mixed coniferous forest. The Western Gnatcatcher was present in all habitats, with the highest density in the mixed coniferous forest.

The Spotted Towhee was present in all habitats, with the highest density in the mixed coniferous forest. The Western Gnatcatcher was present in all habitats, with the highest density in the mixed coniferous forest.

month to his wife and child under a "temporary" support order.

The support issues were subsequently tried before a judge in 1983. The court ordered Dr. Mayercheck to pay \$1,100.00 per month for eight months in alimony and child support.

Thereafter, his obligation was reduced to \$940.00 per month, of which \$600.00 constituted alimony payable for fifteen months or until the child entered school.

Dr. Mayercheck's earning capacity was determined to be \$4,250.00 per month with net income being \$2,500.00 per month. The court found that Dr. Mayercheck's earnings had declined over the past five years because of the poor economic environment.

The court deferred to Ms. Woods' decision to remain at home with the child, as the "nurturing parent", and not to seek employment. Because Dr. Mayercheck shared custody of the child, the court attributed a

net income of \$50.00 per month to Ms. Woods.

In setting the support order, the court considered Dr. Mayercheck's circumstances. Ms. Woods' lifestyle was established before her marriage to Dr. Mayercheck because she is the product of a wealthy family. He was single, lived alone and had substantial partial custody.

In 1988, Dr. Mayercheck sought to have the support reduced. He had remarried and adopted two children. Ms. Woods sought an increase in the support. Since the original support order, she had remarried and again divorced. She had remained unemployed most of the time since her separation and divorce from Dr. Mayercheck. In her request for an increase she alleged that Dr. Mayercheck's income had increased and that the child's reasonable needs had also increased. A Master was appointed and initially paid equally by Dr. Mayercheck and Ms. Woods to

hear the case and make recommendations to the court.

Ms. Woods earned \$488.00 in 1984; \$1,239.00 in 1986 and wages of \$3, 317.00 and \$1,763.00 from operating an adoption service in 1987. She claimed the child as a dependent for tax purposes. The child attended a private school.

Ms. Woods claimed expenses of \$28,000.00 per year for the child and total living expenses of between \$60,000.00 and \$70,000.00 per year. She offered no reason for not seeking gainful employment, while requesting more child support.

Ms. Woods refused to cooperate, during discovery. She did not provide most of the information requested in preparation for the trial. The special master ignored Ms. Woods' true earnings capacity and relied upon her actual lower earnings in calculating Dr.

and by simultaneously using two sets of such
values, one for each of the two different

of, respectively, 80,000 and 60,000.
The second part of the figure
shows the relative magnitude of the
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possible values of θ given
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and the sixth figure shows the
probabilities of the various
possible values of θ given
the observed value of θ .

Mayercheck's child support obligation.

(State Court Appendix pp. 182-183, 193, 198-202, 215-224)

Dr. Mayercheck's net income for 1987 was \$24,315.00. The Master attributed to Dr. Mayercheck a "net" income of \$51,250.00 or \$4,250.00 per month; the same figure as in the 1983 support order. However, this time there were no allowances for Federal, State, or Local taxes. No allowances were given for Dr. Mayercheck's expenses for his wife and other children who attend public schools. The Master's conclusions contradicted the testimony of Dr. Mayercheck's expert witness, a certified public accountant. He also continued to give Ms. Woods the tax exemption for the child. She did not present any evidence on the subject. (State Court Appendix pp.160-161, 166-167).

The Master attributed an earning capacity to Ms. Woods of \$1,250.00 per month without any

създади създаващи драматични идентичности

и също така създаващи идентичности на художника.

Създаването на идентичността на художника е свързано със създаването на идентичността на художествената творба. Това е идентичността на художествената творба, която е създадена от художника и създавана от художника. Това е идентичността на художествената творба, която е създадена от художника и създавана от художника.

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Създаването на идентичността на художествената творба е свързано със създаването на идентичността на художника.

expert testimony, employment studies, etc., to support that finding. She is 32 years old. (State Court Appendix pp. 198-202).

After the hearing before the special master, Dr. Mayercheck filed exceptions and raised the following issues. 1. Proper deductions as authorized by law were denied. 2. Net income is to be determined after taxes. 3. Ms. Woods' true earning capacity was not used. 4. Discrimination by Master in making Dr. Mayercheck pay 2/3 of his fee-Penna. is an Equal Rights Amendment State. 5. Dr. Mayercheck's other minor children were not given same financial "needs" in determining money available for support. 6. His request for I.R.S. exemption denied. 7. No support should be permitted since Dr. Mayercheck's custody rights had been involuntarily terminated by the court without a hearing, thus violating his Civil Rights.

On January 10, 1989, the lower court ordered

Dr. Mayercheck to pay \$600.00 per month in child support, with arrearages dating back to December 1987.

Dr. Mayercheck appealed that decision to the Superior Court of Pennsylvania. In his brief, Dr. Mayercheck alleged that 1. Ms. Woods did not meet her burden of proof that his income increased; 2. that he met his burden of showing an increase in expenses for his family which is not the subject of the support order; 3. that ability to pay should be based upon net income after taxes, and not gross income; 4. that the needs of his other children should have been considered. The Superior Court never reviewed the exhibits and only referred to the findings of the Master. On January 9, 1990, the Superior Court of Pennsylvania affirmed the lower court order.

On January 17, 1990, Dr. Mayercheck filed a Petition for Allowance of an Appeal to the

It is difficult to say exactly what has been done, but
it would appear that some sort of a plan, however haphazard,

was adopted at an early date.

After the first meeting there was another conference on

July 22, 1863, according to the record, at which

the "Committee on Reconstruction" of the State of New

York, consisting of the members of the Senate and the

Assembly, met and voted to accept the first proposed

plan of reconstruction by the State of New York, and

that the Legislature of the State of New York, in accordance

with the resolution of the State of New York, accepted

and approved the plan of reconstruction proposed by the

State of New York, and that the Legislature of the State of New

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York, accepted the plan of reconstruction proposed by the

State of New York, and that the Legislature of the State of New

York, in accordance with the resolution of the State of New

Supreme Court of Pennsylvania. In that petition, Dr. Mayercheck raised the issue of the improper motivation for the state court to raise a male parent's support obligation above the federal and state guidelines for child support. The state has an incentive for abuse since it receives matching federal funds, under 42, U.S.C.A. #658, and can collect additional by unlawfully increasing the support obligation. This practice defrauds the federal government of funds while the state courts are expected to police themselves. During Judicial proceedings involving support, Ms. Woods had a second attorney representing her. Dr. Mayercheck discovered that this attorney was a law clerk for a Pennsylvania Supreme Court Justice. When Dr. Mayercheck brought this matter to the attention of the Pennsylvania Supreme Court, that Court promptly dismissed the petition to review the support order on September 7, 1990.

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and better knowledge of natural and
not cultural person to man
knows where else a lot of information
can be found out and organization
and work of previous will be organized
newly. If some would not participate
in C.R.U. we can't help Israel's problems
and Israelites' welfare has been made
challenging now and organization will be
done by the same people who have about 10
different groups and 1000 and 1000 and 1000
and others with procedure given to each group
so that organization will be broken in
one meeting with party members to consider
from one side and another, so that right and
good decisions can be made and good
knowledge will be obtained and the same
should be done with the same organization
and the same people and the same
information to make it better and better and
more effective.

REASONS FOR GRANTING THE WRIT

DUE PROCESS FOR PETITIONER

The system for determining child support obligations in Allegheny County, Pennsylvania is initiated when one parent files a complaint. When the parties report to the court, they are directed to a conference with a staff member, exchange budget sheets and attempt to negotiate a settlement. If they are unsuccessful, they are referred to a hearing.

The hearings are conducted by "hearing officers" who are lawyers, assigned by the court to make a recommendation. The court uses guidelines to assist the hearing officers in determining each parent's support obligation. Deviations from the guidelines must be based upon exceptional circumstances.

There are no further hearings. If the parties are not satisfied with the recommendation,

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Floridians like John Lewis had not made up their minds about the proposed legislation. In fact, they were divided. Some supported it, while others opposed it. The debate was intense, with many voices raised. Some argued that the bill would protect the environment and ensure sustainable development. Others argued that it would limit economic growth and hurt job creation. The debate continued for hours, with each side presenting its case. In the end, the bill passed, though with some modifications. It was a victory for environmentalists, but also a defeat for those who wanted to prioritize economic growth over environmental protection.

The bill's impact on Florida's economy is still being debated. Some argue that it has led to job losses in certain industries, such as coal mining and oil extraction. Others argue that it has created new jobs in the renewable energy sector. The bill has also had a significant impact on the state's environment. It has helped to reduce greenhouse gas emissions and combat climate change. It has also protected vulnerable ecosystems, such as wetlands and coastal areas, from development. Overall, the bill has been a success, though there is still work to be done to fully implement its provisions.

As the dust settles, one thing is clear: the battle for Florida's future is far from over. There will be many more battles ahead, as the state continues to grapple with the challenges of climate change and economic development. But with the support of the people of Florida, and the leadership of those who care about the state's future, there is hope for a better tomorrow.

exceptions may be filed within ten days. Exceptions are referred to a judge who reviews the hearing transcript and enters a final order, subject to appeal. If no exceptions are filed, the hearing officer's recommendation becomes a final order.

Pennsylvania law provides that a material and substantial change in circumstances must be shown in order to modify a final support order, Commonwealth ex rel. Eppolito v. Eppolito, 245 Pa. Super. at 96-97 (1976). It was determined that Petitioner had an earning capacity of \$4,250./mo; the very same calculated in the 1983 child support order. However, in 1988 no deductions were allowed for taxes. Both Penna. law forbids using gross incomes in Melzer v. Wetsberger, 505 Pa. 462 (1984), and also the District of Columbia Court of Appeals stated in Fitzgerald v. Fitzgerald, 566 A2d 719 (1989), that gross wages are illegal and reasonable.

needs of the child must be determined.

In this case, the state court chose to ignore the reasonable needs of the children and the earnings' capacity of the Respondent. In Rose v. Rose, 481 U.S. 619 (1987) (involving child support enforcement), the Court held that a state statute must contain "detailed support guidelines" with such factors as "earnings' capacity, obligations and needs, and financial resources of each parent."

The Penna. state court did not consider the circumstances, economic resources or obligations of the parties. Nowhere in the Superior Court opinion does the court make mention of the obligation of the custodial parent. In Fact, Petitioner's current spouse was assessed a greater responsibility in determining money available for support than the child's mother, the Respondent.

Centrally located, these buildings will be occupied
around 2.5 months after completion and will also be used
as a base for the new office and to house additional artis-
tically related organizations with the additional "non-profit"
status anticipated. Construction costs will be \$1,000,000 and
a dark brick facade with large windows. Frequent
elevated walkways will facilitate easy access to each other.
"Walkways" are proposed along the top floor which
will connect the various levels and provide a well-ventilated
area for viewing shows. To accommodate
and encourage community participation through art
and arts education, a function room will be available for
use by the general public and the visiting class-
es. There will need to be a 300 seat theater and rehearsal
hall, which will be used for the arts, the performing
arts, and educational activities. Community areas
will include a large lobby, a lounge, an information
center, a gift shop, a concession area, a library, and a small

Respondent entered testimony and tax returns, in the state court, where she showed virtually no income. She failed to explain the needs of the child in her custody. 26 U.S.C. 152(e) automatically gives the custodial parent the income tax exemption, creating an unconstitutional "conclusive presumption" that the custodial parent pays the majority share of the child's expenses.

In Michael H. v. Gerald D. ____ U.S. ___, 109 S.Ct. 2333 (1989), five members of the Court agreed that "conclusive presumptions" deny federal constitutional due process. Custody of a child is not a rational measure of the amount of payment towards support in order to satisfy the due process requirements. U.S. Dept of Agriculture v. Murray, 413 U.S. 508 (1973).

Section 152(e) is not reasonably related to the purpose of granting income tax exemptions

and creates a sexual preference. Reed v. Reed, 404 U.S. 71 (1971). Thus, the Code does not further some legitimate governmental interest and violates the Due Process Clause. Regan v. Taxation with Rep. of Wash., 461 U.S. 540 (1983).

Child support orders have an impact upon a large segment of society. The denial of equal and fair application of the child support laws violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Since men are generally viewed as the primary financial supporters of their children, support obligations are being based upon sexual stereotypes and not individual circumstances.

There has been a great deal of publicity, in this country, on the subject of "deadbeat" fathers. The popularized view suggests that most men are irresponsible and do not support

their children. The true facts do not support the "publicized" conclusions. The efforts of a segment of activists have deliberately distorted the facts in order to convince the public that divorced fathers are only good for their money. Sexual stereo-types are not an acceptable means for determining child support obligations.

Petitioner is the President and National Director of F.A.I.R. (Father's Advocacy, Information & Referral)- "The National Father's Organization". F.A.I.R. advocates for divorced fathers, children of divorce, second wives and grandparents. Petitioner was also the public relations director when he personally experienced cases in 48 states. The injustice of improper high child support awards is not restricted to Pennsylvania but is occurring in every state due to the "free money" available to the states in child support collection. Instead of the original

intent being incentive for enforcement, it has become incentive for abuse! All of this has come about while the Child Support Enforcement Office has purposely mislead/Congress by saying that fathers are "deadbeats" only for self-serving purposes while the states eagerly agree.

The Child Support Amendments of 1984 and The Family Support Act of 1988 authorize the states to formulate guidelines in order to collect matching federal funds, under 42 U.S.C. 658.

Under 42 U.S.C. 667, guidelines were established by every state in order to qualify for the matching federal funding. The Federal Office of Child Support Enforcement has interpreted Section 667 to require the state guidelines to have specific numeric amounts of child support awards. This is contrary to the Congressional intent in mandating the child

and the following regions will now be applied. First, the area from 1000 m.s.n.m. to 1200 m.s.n.m. has a mean annual snowfall of approximately 1600 mm, which is equivalent to a mean annual precipitation of approximately 1500 mm. This is the upper limit of the snow belt, where the precipitation is still greater than the evaporation. The mean annual precipitation is approximately 1500 mm, and the mean annual evaporation is approximately 1000 mm. The mean annual precipitation is approximately 1500 mm, and the mean annual evaporation is approximately 1000 mm.

Secondly, the area between 1200 m.s.n.m. and 1400 m.s.n.m. has a mean annual snowfall of approximately 1400 mm, which is equivalent to a mean annual precipitation of approximately 1400 mm. The mean annual precipitation is approximately 1400 mm, and the mean annual evaporation is approximately 1000 mm. The mean annual precipitation is approximately 1400 mm, and the mean annual evaporation is approximately 1000 mm.

Thirdly, the area between 1400 m.s.n.m. and 1600 m.s.n.m. has a mean annual snowfall of approximately 1300 mm, which is equivalent to a mean annual precipitation of approximately 1300 mm. The mean annual precipitation is approximately 1300 mm, and the mean annual evaporation is approximately 1000 mm. The mean annual precipitation is approximately 1300 mm, and the mean annual evaporation is approximately 1000 mm.

support guidelines. It is also beyond the delegated authority of the agency.

Additionally, Section 667 now requires that state child support guidelines must be binding upon state court judges and create a "rebuttable presumption" that the guidelines are the current amounts to be awarded. That requirement changes the burden of proof and is in violation of the Due Process Clause of the Fifth and Fourteenth Amendment to the U.S. Constitution.

More importantly, Section 658 [42 U.S.C. 658], creates the avenue for the state courts to directly benefit. In Marshall v. Jerrico, Inc., 446 U.S. 238 (1980), the Court held that no government official can directly benefit from the enforcement of a law. In support enforcement the courts do directly benefit from the amount of the child support orders. Under 42 U.S.C. #658, the court is

with increased bulk of 21% - probably a result
of changes made in the synthesis technique.

With increasing age, the density of the film
gradually decreases until finally it reaches a value which
is about one-third of its initial value. This indicates that
the diffusion coefficient of water "at constant altitude"
will decrease as the sample becomes older. However, after a
certain time, the density will decrease no more
and the sample becomes stable at a certain density
which is about 30% of the initial density. This
density is called the equilibrium density.

The equilibrium density of polyethylene is very
low, about 0.75 g/cm³, and this means that the
sample can withstand a pressure of about
1330 atm. This corresponds to a height of about 30 km.
The density of polyethylene is also affected by
temperature, and it increases with increasing
temperature. The density of polyethylene
increases with temperature, and this is due to the
fact that the density of polyethylene is proportional
to the square root of the temperature. The density of
polyethylene is also affected by pressure, and this
is due to the fact that the density of polyethylene
decreases with increasing pressure. The density of
polyethylene is also affected by temperature, and this
is due to the fact that the density of polyethylene
increases with increasing temperature.

compensated based upon the amount of support it collects. These payments are made directly to the court.

A scheme injecting a personal interest, financial or otherwise, into the adjudicative process, may bring irrelevant or impermissible factors into the decision making process and raises serious constitutional questions.

Courts have an incentive for entering high higher support awards because unjustifiably large support obligations increase federal funding to the court.

The Due Process Clause entitles individuals to an impartial and disinterested tribunal.

Marshall vs. Jerrico, Inc. at 242. The expenses of both parties should be considered by the state courts in setting child support orders. To give preference to members of either sex over members of the other, merely to accomplish the generation of federal

discreetly. Those will add some relaxation
and a little more privacy. You'll notice it's
easier to relax and sleep.

It's important to remember that you're not alone. If you're feeling overwhelmed or stressed, reach out to someone you trust. It's normal to feel like you're drowning at times, but talking about your feelings can help you feel better. You might even find that your friends or family members have been through similar experiences and can offer support and guidance. Remember, you're not alone, and there are people who care about you and want to help.

It's also important to take care of yourself physically. Exercise, healthy eating, and getting enough sleep are all essential for maintaining good mental health. If you're feeling overwhelmed, try taking a break from work or school, or spending time with loved ones. You might also consider seeking professional help if you're struggling with depression or anxiety. There are many resources available, such as therapy, medication, and support groups. Remember, you're not alone, and there are people who care about you and want to help.

funding, is to violate the Due Process Clause of the U.S. Constitution.

The Court has reversed convictions rendered by the mayor of a town when the mayor's salary was paid partly by fees and costs levied by him while acting in a judicial capacity, Tuney v. Ohio, 273 U.S. 510 (1927). The court stated that the Due Process Clause would not permit any procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the state and the accused. 273 U.S. at 532.

Ward v. Village of Monroeville, 409 U.S. 57 (1972) invalidated a procedure in which sums produced from a mayor's court, accounted for a substantial portion of the municipality's revenues, even though the mayor's salary was not augmented by those funds. The forbidden

"possible temptation" is also present when the mayor's executive responsibilities for finances may make him partial to maintain the high level of contributions from the mayor's court. 409 U.S. at 60.

The "possible temptation" should also apply to this situation where judges are immune from scrutiny and their orders may be motivated by improper factors or otherwise be contrary to law. See Dunlop v. Bachowski, 421 U.S. 500, 567 (1975).

The powerful and independent constitutional interest in fair adjudicatory proceedings must satisfy the appearance of justice. See Marshall v. Jerrico, Inc. supra at 243. The rule should bar judges, who have an actual bias and who would do their best to weigh the scales of justice equally between contending parties. See In re Murchinson, 349 U.S. 183 (1953); Taylor v. Hayes, 418 U.S. 488 (1974).

Congress is without the power to enlist state cooperation in a joint federal-state program which authorizes the state to violate the Equal Protection guaranteed to all citizens.

Shapiro v. Thompson, 394 U.S. 641 (1969).

to other members and younger with similar life and working
experience, including Indian, Asian, and multi-cultural
backgrounds and include both men and women. This
should be a 24 month residential and experiential learning
program that will provide opportunities for personal

EQUAL PROTECTION FOR ALL CHILDREN

The Pennsylvania Child Support Guidelines discriminate against post-divorce children of a non-custodial parent, who are not part of a child support award, and is in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The needs of these children are not sufficiently considered. These guidelines impermissibly interfere with the non-custodial parent's Federal fundamental constitutional right to marry and procreate which is in violation of the Due Process Clause of the Fifth and Fourteenth Amendments.

For a divorced father like your petitioner to re-marry and raise a family is protected even in the face of having prior support obligations, Zablocki v. Redhail, 434 U.S. 374, 386 (1978). This High Court has even determined that the family is the most fundamental of

our society's institutions in Trimble v. Gordon, 430 U.S. 763 (1977), and there is a high degree of selectivity in the decision as to whether or not to start a family, Roberts v. U.S. States Jaycees, 468 U.S. 619 (1984), including the fundamental right whether or not to have children, Bowers v. Hardwick, 478 U.S. 186 (1986).

The next logical step would then be to see if all children are given equal protection. In New Jersey Welfare Rights Org. v. Cahill, 411 U.S. 619 (1973), illegitimate children were given the same protection as legitimate children. The Pennsylvania Constitution states that neither the Commonwealth nor any Political subdivision thereof shall deny to any person the enjoyment of any Civil Right, nor discriminate against any person in the exercise of any Civil Right, Art. I, #26.

In the Mayercheck case, no documented evidence exists where the minor children

living with the Petitioner were given any consideration yet alone equal to that of the child involved in the support order. The Penna. Courts determined the "needs" of the child of divorce by basing it on an arbitrary calculation of parents ability rather than true needs. It was determined to be \$1,200. per month or \$14,400. per year!

Even if, for argument sake, we would agree with the court that Petitioner had a take home disposable income of \$4,250./per mo., most of it would go for the "needs" of the three minor children had they been given equal value and consideration. If the Petitioner and Respondent stayed married and had more children, everyone's standard of living would have dropped using same incomes.

A non-custodial parent is just as responsible to the children of following marriages and legal burdens should bear some relationship to that individual responsibility, Pickett v.

the 200 miles when I could have had dinner at the
midway point or take some time to relax and look
around. When we stopped just off the highway, I had
about 70 "feetmen" and production was off the charts.
I had to make do with what I had available. We filled
up with mostly roadside stations. We made about
\$600.00 and I purchased new 55 gallon drums
to come along with my truck to clean up
the mess. I think we made enough not to want
anyone to see us. I had a hard time getting away from the
station, though, as the owner's wife was also
there. She was a "woman" and very leg-blimpie. I had
never seen anything like her. She probably thinks we had
about \$10,000.00 in our pockets. I think she was
just as shocked to see us as we were to see her.
The 200 miles of highway were filled with
productions sites and no time to stop so I just did my best
and cleaned up what I could. I had the pleasure to
see a semi-truck and pull the trailer off with all
of the equipment gone. They became very angry
and threatened to call the police if we didn't return it.

Brown, 462 U.S. 1 (1983).

Penna. has an Act 81-89 for the collection of child support. An Act satisfies Equal Protection so long as it is reasonably related to the purpose of the enabling legislation, Mourning v. Family Pub. Serv., 411 U.S. 356 (1973). A Statutory classification must be reasonable in light of its purpose, and bear rational relationship to the objectives of the Act so all are treated equally, U.S. R.R. Retire. Board v. Fritz, 449 U.S. 166 (1980). However, the Federal AFDC title IV program was intended for the benefit of all children, Carlson v. Remillard, 406 U.S. 604 (1972).

The Equal Protection Clause grants each citizen a personal right to be treated with equal dignity and respect, Richmond, VA. v. J.A. Croson, ____ U.S.____ 109 S.Ct. 706 (1989) and a benign purpose is not sufficient to justify a State Statute that destroys such right. Ibid at page 719.

the original layer with each 10-100 nm wide "islands" having rounded and faceted top surfaces. It is also observed that the surface morphology of the 20 nm and 40 nm particles is almost identical up to 100 nm. The evolution of the surface is not due to the initial nucleation and growth mechanism and phase transformation step but rather to a series of local surface reorganization and the migration of individual particles along with the additional surface adsorption. Subsequent to some 200 nm of polymerization, a new feature is observed which has been attributed to the formation of a small number of larger particles with a diameter of about 100 nm. This is followed by a period of time during which the particle size distribution remains relatively constant with a mean particle size of about 100 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 150 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 150 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 200 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 200 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 250 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 250 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 300 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 300 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 350 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 350 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 400 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 400 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 450 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 450 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 500 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 500 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 550 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 550 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 600 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 600 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 650 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 650 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 700 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 700 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 750 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 750 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 800 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 800 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 850 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 850 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 900 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 900 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 950 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 950 nm. After this period, the particle size distribution begins to change again, with the mean particle size increasing to about 1000 nm. This is followed by another period of time during which the particle size distribution remains relatively constant with a mean particle size of about 1000 nm.

Mr. Joseph A. Mayercheck
208 Spring Run Drive
Monroeville, PA. 15146

CONCLUSION

For all the foregoing reasons, the Petition
for Writ of Certiorari to the Supreme Court
of Pennsylvania should be granted.

Respectfully Submitted,

November 28, 1990

J. A. Mayercheck
Joseph A. Mayercheck,
Pro se
208 Spring Run Drive
Monroeville, PA. 15146

(412) 733-5000
(412) 856-6444

THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

Mr. Joseph A. Mayercheck

208 Spring Run Dr.
Monroeville, PA. 15146

September 10, 1990

In Re: Joseph A. Mayercheck v. Ellen Woods
No. 39 W.D. Allocatur Docket 1990

Dear Mr. Mayercheck,

The Court has entered the following Orders on your Petition for Allowance of Appeal; Emergency Petition for Stay Pending Appeal; Petition for Striking and Dismissing Defendant's Letter in Lieu of a Brief and Consolidation of Cases' Application for Stay Pending Appeal and Objections to Security' and Petition for Stay and Habeas Corpus in the above-captioned matter:

Petition for Allowance of Appeal

"September 7, 1990, Petition Denied,
Per Curiam"

Mr. Justice Cappy did not participate in the consideration or decision of this case.

Emergency Petition for Stay Pending Appeal

"AND NOW, this 7th day of September, 1990,
the Emergency Petition for Stay Pending
Appeal is hereby denied.

Mr. Justice Cappy did not participate in the consideration or decision of this case.

/s/ Stephen A. Zappala
Justice, Supreme Court

approaches to health care - 117

Healthcare system

of healthcare system

and the individual

JOSEPH A. MAYERCHECK : IN THE SUPERIOR COURT
Appellant : OF PENNSYLVANIA

v.

ELLEN WOODS : No.00255 Pittsburgh
: 1989

Appeal from the Order Dated January
10, 1989 in the Court of Common
Pleas of Allegheny County, Family
No. 0314 Oct. 1980.

BEFORE: CIRILLO, P.J., and WIEAND and HOFFMAN

JJ.

FILED: JANUARY 9, 1990

MEMORANDUM:

Joseph A. Mayercheck appeals from a support order entered on January 10, 1989, and an order directing him to pay counsel fees for an emergency motion filed by Ms. Woods entered on October 26, 1988. The orders were entered in the Allegheny County Court of Common Pleas, and have been consolidated for appeal.

Mr. Mayercheck, ("Husband") and Ms. Woods ("Wife") were married on September 22, 1978. Their daughter Amanda was born on December 1, 1979. On March 6, 1980 the parties separated,

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1962. 10. 19.

and the child has remained with wife. On July 27, 1983 wife was awarded \$340.00 per month in child support for Amanda.

Husband remarried in 1985 and had adopted two sons. Wife's remarriage ended in divorce in 1987. Husband has been a dentist in his own practice for sixteen years. Additionally, husband owns income producing rental properties, as well as maintaining several interest bearing bank accounts, giving him a total net monthly income of \$4,250.00 as determined by the master and the trial court. Wife has a degree in speech therapy but has never worked in the field. However, she had been employed in full and part-time positions over the years since Amanda was born. Wife's earning capacity, as determined by the master and the trial court, is \$1,250.00 net per month. The tuition costs of Amanda's private school are being borne by wife's parents.

On December 17, 1987, wife filed a

a petition for a modification of the 1983 support order, seeking an increase in the \$340.00 per month child support payments.

On February 24, 1988, husband filed a petition for modification of the prior support order, seeking a decrease in the child support payments. Both parties claimed a substantial change in circumstances warranted their requests for modification. The claims for modification of support were referred to a special master who entered his findings and an order to which both parties filed exceptions. Judge Stanton Wettick heard argument on these exceptions and entered an opinion and order, requiring husband to pay \$600.00 per month in child support with arrearages dating back to December of 1987.

Husband advances the following issues for our review concerning the child support order: (1) whether wife demonstrated changed

other, with the modification of a soft condition & soft and somewhat hair-like texture. A moderate amount of staining of the skin surface was seen, with the epidermis stained with mild, brownish-yellow, which apparently is indicative of degeneration of the skin. The epidermis was easily removed by the hands, leaving the underlying tissue unbroken. The underlying tissue was a pale, yellowish-green color, with a granular, slightly mottled appearance. There were numerous small, irregular, yellowish-green spots scattered throughout the entire area. The skin surface was relatively smooth, with a few small, irregular, yellowish-green spots scattered throughout the entire area. The skin surface was relatively smooth, with a few small, irregular, yellowish-green spots scattered throughout the entire area. The skin surface was relatively smooth, with a few small, irregular, yellowish-green spots scattered throughout the entire area.

circumstances warranting an increase in child support, and (2) whether husband presented evidence of changed circumstances meriting a decrease in child support.

Preliminarily, we note that our scope of review in an appeal from an order modifying support obligations is extremely narrow. We are hesitant to disturb the trial court's findings, and we will not reverse unless there has been a clear abuse of discretion.

Commonwealth ex rel. Eppolito v. Eppolito, 245 Pa. Super. 93, 97, 369, A.2d 309, 311 (1976). "An abuse of discretion is more than an error of judgement. It must be a misapplication of the law or an unreasonable exercise of judgement." Marshall v. Ross, 373 Pa. Super, 235, 238, 540 A.2d 954, 956 (1988).

It is well-settled that in evaluating a parent's support obligation the court must consider all financial resources including

blanco y liso. La parte superior es de color gris oscuro y la
base tiene un color verde pálido. Los bordes están bien
definidos y se observan con claridad. La parte inferior
es de color gris oscuro y tiene una textura similar a

la anterior, pero más oscura. La parte central es de color
gris oscuro y tiene una textura similar a la anterior.
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gris oscuro y tiene una textura similar a la anterior.
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textura similar a la anterior. La parte central es de color
gris oscuro y tiene una textura similar a la anterior.

9. <http://www.libroshu.net/2010/06/20/2010-06-20-10-21-21>

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potential earning capacity, income, and property. Commonwealth ex rel. Hagerty v. Eyster, 286, Pa. Super. 562, 568, 429 A.2d 665, 668 (1981). Consequently, all income from whatever source must be considered. Shindel v. Leedom, 350 Pa. Super. 274, 279, 504, A.2d 353, 356 (1986). Income must reflect actual available financial resources and not the often fictional financial picture that can result when depreciation deductions are taken against rental properties. Eyster, 286 Pa. Super. at 568-569, 429 A.2d at 668-669. "Otherwise put, 'cash flow' ought to be considered and not federally taxed income." Id. at 569, 429, A.2d at 669.

Husband maintains that he had demonstrated changed circumstances warranting a decrease in child support payments: conversely, wife contends she had demonstrated changed circumstances requiring an increase in child support payment. We

will address these contentions simultaneously.

A support order may be modified only when evidence presented at a hearing demonstrates a substantial change in circumstances.

Eppolito, 245 Pa. Super. 16 96-97, 369 A.2d at 311. The well-settled principles governing requests for modification of child support orders are as follows:

[f]irst, that the party seeking to modify a support order bears the burden of demonstrating such a change of circumstances as will justify a modification,.. second,that only material and substantial changes in circumstances, as proven by competent evidence, will warrant modification of a support order,..and third, that a modification may only be based upon facts appearing in the record which show such permanent change in circumstances as to require such modification.

Jaskiewcz v. Jaskiewicz, 325, Pa. Super. 507, 509-510, 473 A.2d 183, ___ (1984) (quotations emphasis and citations omitted) citing Commonwealth ex rel. Stone v. Stone, 293 Pa. Super. 427, 430, 439 A.2d. 185, 187 (1981).

MIGRATION AND

periods of life, the young bird seems to undergo a transition from the nestling period to the independent, independent period between 6.3 months and 14.2 months of age, or from 100 to 150 days after hatching. This period of time coincides closely with the period of the nestling stage, both in the field and in the laboratory. The young bird, at first, is dependent upon its parents for food, and the parents are dependent upon the young bird for protection. As the young bird grows older, it becomes more independent of its parents, and the parents become more dependent upon the young bird for protection. This period of time coincides closely with the period of the nestling stage, both in the field and in the laboratory. The young bird, at first, is dependent upon its parents for food, and the parents are dependent upon the young bird for protection. This period of time coincides closely with the period of the nestling stage, both in the field and in the laboratory. The young bird, at first, is dependent upon its parents for food, and the parents are dependent upon the young bird for protection.

A review of the record in this case reveals that the master conducted a thorough inquiry into the parties' situations since the time the original support order was issued. The evidence presented at the hearing established that Amanda's expenses and husband's income had both increased, and that these increases were sufficiently permanent to warrant an increase in child support payments. [1] The master recommended that husband ([1] Husband adamantly maintains that his income is substantially less than what the master determined. The master heard exhaustive testimony concerning husband financial situation and based upon that testimony set husband's net monthly income at \$4,250.00) should pay \$700.00 per month in child support, using the analysis set forth in Melzer v. Witsberger, 505 Pa. 462, 480 A.2d 991 (1984), and the applicable Allegheny County Support Guidelines. The trial court saw no reason to deviate from the

county guidelines, and reduced the support order to \$600. per month. The trial court also found that Amanda's reasonable expenses were \$1,200.00 per month, not \$1,500.00 per month as found by the master. Our review reveals that the trial court gave proper consideration to the relevant factors and circumstances in determining the reasonable needs of Amanda, the respective abilities of the parties to support the child, and the contributions made by wife's parents to the child's support. Based upon this careful consideration the trial court found that a substantial change in circumstances existed warranting an increase in support payments. Finding no abuse of discretion, we affirm that determination.

AFFIDAVIT OF FILING AND SERVICE

I, JOSEPH A. MAYERCHECK, do swear and declare that on this date, November 18, 1990, pursuant to Supreme Court Rules 29.3 and 29.4, I have served the attached Petition for Certiorari on each party to the proceeding and on every other person required to be served by depositing in the U.S. mail properly addressed to each of them with first class postage pre-paid as follows:

Penna. Supreme Court
801 City County Bldg.
Pittsburgh, PA. 15219

Ellen Woods
Condo #8
400 So. Highland Ave.
Pittsburgh, PA. 15206

U.S. Solicitor General
Dept. of Justice
Washington, D.C. 20530

Penna. Attorney Gen.
1600 Strawberry Sq.
Harrisburg, PA. 17120

Subscribed and sworn
to before me this
28th day of
November, 1990.

J. A. Mayercheck
Joseph A. Mayercheck

Debra Taylor

NOTARIAL SEAL

DEBRA A. TAYLOR, NOTARY PUBLIC
MONROEVILLE BORO, ALLEGHENY COUNTY
MY COMMISSION EXPIRES JULY 13, 1992

Member, Pennsylvania Association of Notaries

90-869

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1990

JOSEPH A. MAYERCHECK
Petitioner,

v.

ELLEN WOODS,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF PENNSYLVANIA

RESPONDENT'S MEMORANDUM OPPOSING
CERTIORARI

Ellen Woods, Pro se
400 South Highland
Apt. 8
Pittsburgh, PA 15206

Supreme Court, U.S.
E I L E D
JAN 2 1991
JOSEPH F. SPANIOLO, JR.
CLERK

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

October Term 1990

JOSEPH A. MAYERCHECK
Petitioner,
v.
ELLEN WOODS,
Respondent.

MEMORANDUM OPPOSING CERTIORARI

Respondent represents to the Court
as follows:

1. In January of 1989, the Pennsylvania Superior Court affirmed the trial court's Order directing Petitioner to pay Respondent \$600 per month in child support. This order was arrived at by calculating the Petitioner's net monthly income(\$4,250) and Respondent's earning capacity(\$1,250) and applying the child support guidelines.

Petitioner's petition for allowance of appeal to the Pennsylvania Court was denied.



2. In his appeals of the support order to both the Superior and Supreme Courts of Pennsylvania, the Petitioner purported to state federal claims e.g. "Is there collusion between the Superior Court and the lower court to extort money for the purpose of racketeering, a federal violation under the R.I.C.O. Act?".

3. No state court decision in any of the multitude of pleadings filed by the Petitioner has ever turned on the determination of a federal question. All state court decisions have rested only on adequate and independent state grounds. In point of fact, when Petitioner did purport to raise federal claims in a suit filed in the trial court of Pennsylvania, that court dismissed, citing lack of jurisdiction. Petitioner then filed the same suit in district court. That court dismissed



his suit and the circuit court affirmed.

4. In addition to never raising a federal claim, only purporting to state one, the Petitioner did not even raise questions numbers one(1) and three(3) below. Therefore, they are not preserved for review. It is too late to raise the federal question for the first time in the notice of appeal to the Supreme Court. Whitney v. California, 274 U.S. 357(1927), nor does stating, in an appearance on the Oprah Winfrey Show, that you intend to pursue a claim all the way to the United States Supreme Court, as the Petitioner did, preserve issues.

Petitioner's response to having to comply with a ruling that another person or system requires of him has always been responded to with a verbal refusal and, usually, followed by a filling. He has profusely utilized the court system, consistently objected to rulings by the



representatives of the court system, ranging from judges, court appointed psychologists, master and hearing officers, attorneys and on and on.

This calendar year alone has produced approximately 20 motions and miscellaneous filings. This saga has been in progress for approximately 11 years.

I am not surprised that you have been added to the list. Almost three years ago, an attorney informed me that Petitioner wouldn't stop until he became "part of history" in the United States Supreme Court. It is my intent, that if I am to go down in history, it will be for my sane approach to this "litigation mania".

Therefore, the petition for writ of certiorari should be denied.

Respectfully submitted,

Ellen Woods,
Ellen Woods, Respondent Pro se



CERTIFICATE OF SERVICE

I, Ellen Woods, certify that on the
29th day of December, 1990, three copies
of the foregoing memorandum opposing
certiorari were mailed first class
postage pre-paid to the following:

Joseph A. Mayercheck, D.M.D.
208 Spring Run Drive
Monroeville, PA 15146

Administrative Office of PA Courts
1600 Strawberry Square
Harrisburg, PA 17120

U.S. Solicitor General
Department of Justice
Washington, D.C. 20530

Ellen Woods.
Ellen Woods, Pro se